

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOHANNE SAINT-FLEUR,

Plaintiff,

- against -

J.P. MORGAN CHASE BANK, N.A. and  
J.P. MORGAN CHASE & CO.,

**ORDER**

Defendants. 24 Civ. 10036 (NRB)

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**NAOMI REICE BUCHWALD**  
**UNITED STATES DISTRICT JUDGE**

**WHEREAS** on December 31, 2024, plaintiff Johanne Saint-Fleur filed a Complaint, ECF No. 1, arising out of the same events and seeking the same damages as those sought in Saint-Fleur v. JPMorgan Chase Bank, N.A., No. 23 Civ. 4908 (PGG); and

**WHEREAS** Judge Paul G. Gardephe, to whom the prior case was assigned, dismissed that action for failure to prosecute, Saint-Fleur, 2024 WL 3185077 (S.D.N.Y. June 26, 2024); and


**WHEREAS** a dismissal based on failure to prosecute "operates as an adjudication upon the merits," Fed. R. Civ. P. 41(b), and plaintiff did not appeal this decision; and

**WHEREAS** plaintiff's prior complaint involved the same "nucleus of operative fact[s] . . . [and] the same parties or those 'in privity' with them[,]" Harry v. Rodriguez, 337 Fed. App'x 17,

18 (2d Cir. 2009), and “[t]here is nothing in plaintiff’s second complaint which could not have been ‘raised and litigated’ in his original action[,]” Chira v. Lockheed Aircraft Corp., 520 F. Supp. 1390, 1391 (S.D.N.Y. 1981); it is hereby

**ORDERED** that this case is dismissed with prejudice. The Clerk of Court is respectfully directed to terminate any pending motions and close this case.

Dated: New York, New York  
March 20, 2025

  
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NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE